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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,590	09/26/2003	David A. Esposito	ESP-PT001	8656

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EXAMINER
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MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/672,590

Applicant(s)

ESPOSITO, DAVID A.

Examiner

Vishu K. Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28,30,33,34 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) 17-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28,30,33,34 and 36-42 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. Claims 28,30,33,34,36,37,39,42 rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlers (5118113).

Claims 28,33,34,39,40: Ahlers teaches a method of playing a game, the method comprising gathering a plurality of players (6:41), selecting the order of play (6:55-56), a player traversing a path (6:56-64) using game pieces (6:61) and die (6:63-64), path having a start and finish spaces (56,57,58,59,60,61), spaces with different groups of categories defined on them (see indicia on spaces for environment, lifestyle and hazard groups), upon landing a player being provided a scenario based on a category (5:21-24) and a player providing a generated answer (think tank), thereby providing an answer provoking thoughts (think tank category), and the answer being based on at least one of a principle (as in related to a household item) from a predetermined principles (as in purchased on a frequent basis).

Ahlers further teaches scoring system where points are accessed by other players, added or subtracted (10:18-19) and tracked (10:18-30).

Applicant might argue that Ahlers does not teach a principle but it teaches a household item. Examiner takes the position that the household items referred to in the cited reference are representative of the principle "frequently purchased items", and in that, a frequently purchased household item will inherently remind/speak of the principle as their reason for selection. One of ordinary skill in art at the time the invention was made

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would have suggested modifying/replacing principles with household items representative of certain principles as a method of reminding those principles.

Claims 30,36: Ahlers teaches at least one other player voting/rating the player in turn (5:27-28).

Claims 37: Ahlers does not expressly indicate the game being used by parents, children, adults and participants in the workplace. Ahlers however indicates that the invented game can be optimized to accommodate all skills and levels. Looking at categories such as environment, hazard and lifestyle, it would have been very easy and entertaining for all levels and skills of people. One of ordinary skill in art at the time the invention was made would have suggested using the Ahlers game by people of all skills.

2. Claim 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlers in view of Siegesmund (5882008).

Ahlers teaches all limitations except that it does not teach playing the game on a computer screens. Siegesmund teaches playing a similar game on a computer (5:47-52).

In order to reach a larger section of players, it would have been obvious to place a game on computer/internet. In this day and age playing a game on computer is commonly known and also helps promote a game. One of ordinary skill in art at the time the invention was made would have suggested placing the game on computer media for promoting the game.

3. Claim 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlers in view of Saunders (5295834).

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Ahlers teaches all limitations except that it does not teach tracking time for a response and allowing a limited amount of time.

Saunders teaches each player allowed a limited time to responds to questions (1:50).

Boars games are primarily played for amusement purposes and it is not possible to allow unlimited time to each player. In order to maintain the interest of players, it would have been obvious to allow a limited time to each player. One of ordinary skill in art at the time the invention was made would have suggested tracking allowed time of response for maintaining the interest level of players.

#### ***Allowable Subject Matter***

4. Claim 43 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed 11/21/05 have been fully considered but they are not persuasive.

Applicant argues that Ahler does not teach "providing" a hypothetical real-life scenario. *Arguments are not persuasive. Ahler inherently requiring (5:25-27) a player to generate idea "concerning an environmental problem" indicates that a scenario "environmental problem" is provided. Mere mention of "environmental problem" automatically refers to all well known environmental problems or scenarios. These problems can be called scenarios. Examiner also takes the position that "providing a hypothetical real life*

*scenario” is a mental step and in “requiring to generate an environment problem” Ahler accomplishes the “providing” step.*

*Examiner also takes the position that “a hypothetical real life scenario” and “at least one principle from a list of predetermined principle” are not tangible limitations and do not carry patentable weight without providing them on a substrate.*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vishu K Mendiratta  
Primary Examiner  
Art Unit 3711

A handwritten signature in black ink, appearing to be 'Vishu K Mendiratta', written in a cursive style.

VKm  
January 20, 2006